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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 WEYERHAEUSER COMPANY,

9 Plaintiff,

10 v.

11 HISCOX DEDICATED CORPORATION
12 MEMBERS LIMITED as representative
member of Syndicate 33 at Lloyd's, *et al.*,

13 Defendants.

NO. C19-1277RSL

TEMPORARY RESTRAINING
ORDER

14 This matter comes before the Court on plaintiff's motion for a temporary restraining
15 order. Having reviewed the file in this matter, including the letter from counsel for Hisox and
16 Starr Underwriting Agents Limited (Dkt. # 16), the Court hereby ORDERS as follows:

17 1. As the Honorable James L. Robart found on May 7, 2018, in the related matter C18-
18 0585JLR, plaintiff has satisfied the requirements for obtaining a temporary restraining order
19 under Fed. R. Civ. P. 65(b) and LCR 65.

20 a. Plaintiff has demonstrated a likelihood of success on the merits of its anticipated
21 request for an anti-suit injunction. See E. & J. Gallo Winery v. Andina Licores, S.A., 446 F.3d
22 984, 989 (9th Cir. 2006).

23 b. Plaintiff will suffer immediate and irreparable harm if defendants are permitted
24 to interfere with this litigation before the Court is able to determine whether, under Washington
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1 law, the insured has a contractual right to a judicial forum in the jurisdiction of its choosing.

2 c. Defendants will suffer no cognizable injury or prejudice by virtue of having the
3 arbitration and venue issues determined in this jurisdiction. Plaintiff's lawsuit was the first filed
4 and the issues were properly joined, with notice to and the participation of defendants, before
5 defendants filed a second lawsuit seeking injunctive relief in the courts of the United Kingdom.
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7 d. A preliminary injunction in these circumstances is in the public interest because
8 it serves to protect the jurisdiction of this Court and the public policies of this State.

9 2. Defendants are hereby prohibited from seeking, obtaining, pursuing, or enforcing an
10 injunction against the proceedings in this matter during the term of this Order.

11 3. The parties shall appear before the undersigned on Wednesday, August 28th, at 9:00
12 am to address whether this temporary restraining order will be converted to a preliminary
13 injunction. The Court has not seen the *ex parte*, sealed order apparently obtained by defendants
14 from the United Kingdom High Court of Justice (nor has it received any admissible evidence of
15 its existence or terms), but plaintiff's appearance and participation at the hearing are hereby
16 COMPELLED and will not constitute a violation of the Interim Order and Penal Notice.
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20 Dated this 16th day of August, 2019.

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22 Robert S. Lasnik
23 United States District Judge
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